IN THE

Supreme Court of the United States

OCTOBER TERM, 1951.

No. 381

MURIEL F. McCARTY,

Plaintiff-Petitioner,

vs.

R. R. NELSON, Administrator of the Estate of Albie C. Sansbury, and MARGUERIETTE H. DeKARLO,

Defendants-Respondents.

RAY FRANKLIN BUSHAW,

Plaintiff-Petitioner,

vs.

R. R. NELSON, Administrator of the Estate of Albie C. Sansbury, and MARGUERIETTE H. DeKARLO,

Defendants-Respondents.

MARVEL SANSBURY, by Muriel F. McCarty, Guardian ad Litem,

Plaintiff-Petitioner,

vs.

R. R. NELSON, Administrator of the Estate of Albie C. Sansbury, and MARGUERIETTE H. DeKARLO,

Defendants-Respondents.

RESPONDENTS' BRIEF

The only claim presented by the petitioners is that the decision of the Minnesota Supreme Court in this matter, in and of itself, was erroneous, and thereby violated the rights of petitioners guaranteed to them under the Fourteenth Amendment of the Federal Constitution.

It has become axiomatic under the decisions of this Court that the judicial determination of questions by a state tribunal in the regular course of administration of the laws of the state after full hearing by all the parties, although erroneous, does not constitute a Federal question and furnishes no ground of jurisdiction for this Court to review the judgment of the State Court. The State Court must give effect to some statute or state constitution which violates the guarantees of the Fourteenth Amendment of the Federal Constitution, and the judgment of that Court must rest on the statute either expressly or by necessary implication.

New Orleans Waterworks Co. vs. Louisiana, 185 U. S. 336, and cases cited.

The provisions of the Fourteenth Amendment are directed only against violations arising from the exercise of the legislative power of the state. They do not reach mere errors committed by a State Court in passing upon questions of state law.

Cross Lake Club vs. Louisiana, 224 U. S. 632.

Enterprise Irrigation District vs. Farmers Mut. Canal Co., 243 U. S. 157, 37 S. Ct. 318, and cases cited.

The substance of the decision of the Minnesota Supreme Court in this case is that the petitioners did not prove a contract in their favor to make a will under the laws of the state. The lower State Court's decision to the contrary was reversed. Whether or not the highest Court of Minnesota thereby reached an erroneous result, whether or not it over-

ruled expressly or by implication previous decisions of its own which petitioners feel were correctly decided or whether or not that Court overlooked or expressly disregarded findings of fact of the lower court and jury which petitioners feel were compelled by the evidence, is of no material consequence. The fact remains that no Federal question is presented by the petition herein and this Court has no jurisdiction to review the judgment complained of.

Respectfully submitted,

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